

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 854**

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**Introduced by Assembly Member Stone**

February 21, 2013

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An act to amend Section ~~1418.91~~ of the ~~Health and Safety Code~~, relating to ~~elder abuse~~; 466.8 of the Penal Code, relating to locksmithing.

LEGISLATIVE COUNSEL'S DIGEST

AB 854, as amended, Stone. ~~Elder abuse~~. Locksmithing.

*Existing law requires any person who knowingly and willfully makes a key capable of opening any door or other means of entrance to a residence or commercial establishment for another to obtain specified information, including the name and address of the person requesting or purchasing the key, and to retain a copy of the work order for 2 years. A violation of this provision is a misdemeanor.*

*This bill would require the person making the key to obtain the e-mail address, if any, of the person requesting or purchasing the key, and to retain the work order for 4 years, rather than 2 years. Because the bill would revise the definition of a crime, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law requires a long-term health care facility to report to the State Department of Public Health immediately, or within 24 hours, all incidents of alleged or suspected abuse of a facility resident.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.

State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 466.8 of the Penal Code is amended to  
2     read:

3     466.8. (a) Any person who knowingly and willfully makes a  
4     key capable of opening any door or other means of entrance to any  
5     residence or commercial establishment for another by any method  
6     involving an onsite inspection of ~~such~~ the door or entrance, whether  
7     or not for compensation, shall obtain, together with the date the  
8     key was made, the street address of the residence or commercial  
9     establishment, and the signature of the person for whom the key  
10    was made, on a work order form, the following information  
11    regarding the person requesting or purchasing the key:

12    (1) Name.

13    (2) Address.

14    (3) (A) Telephone number, if any.

15    (B) E-mail address, if any.

16    (4) Date of birth.

17    (5) Driver's license number or identification number, if any.

18    A copy of each ~~such~~ work order shall be retained for ~~two~~ four  
19    years and shall be open to inspection by any peace officer or by  
20    the Bureau of Collection and Investigative Services during business  
21    hours or submitted to the bureau upon request.

22    Any person who violates any provision of this subdivision is  
23    guilty of a misdemeanor.

24    (b) Nothing contained in this section shall be construed to  
25    prohibit the duplication of any key for a residence or commercial  
26    establishment from another such key.

27    (c) Locksmiths licensed by the Bureau of Collection and  
28    Investigative Services are subject to the provisions set forth in  
29    Chapter 8.5 (commencing with Section 6980) of Division 3 of the  
30    Business and Professions Code.

(d) The provisions of this section shall include, but are not limited to, the making of a key from key codes or impressions.

*SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

~~SECTION 1. Section 1418.91 of the Health and Safety Code is amended to read:~~

~~1418.91. (a) A long-term health care facility shall report all incidents of alleged abuse or suspected abuse of a resident of the facility to the department immediately, or within 24 hours.~~

~~(b) Failure to comply with the requirements of this section shall be a class "B" violation.~~

~~(c) For purposes of this section, "abuse" shall mean any of the conduct described in subdivisions (a) and (b) of Section 15610.07 of the Welfare and Institutions Code.~~

~~(d) This section shall not change any reporting requirements under Section 15630 of the Welfare and Institutions Code, or as otherwise specified in the Elder Abuse and Dependent Adult Civil Protection Act, Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code.~~